

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

SEAN M. CARROLL)	
Plaintiff)	
)	
Vs.)	C.A. No. 20-cv-00126
)	
WALTER R. CRADDOCK, ESQ., in his Official)	
Capacity as Administrator of the Rhode Island)	
Division of Motor Vehicles)	
Defendant)	

CONSENT JUDGMENT

Based on the agreement of the parties, a final declaratory judgment and permanent injunction is hereby entered in favor of Plaintiff Sean M. Carroll (hereinafter “Plaintiff”) against Defendant Walter R. Craddock, in his official capacity as Administrator of the Rhode Island Division of Motor Vehicles (hereinafter “Defendant”), on the following terms:

1. On October 2, 2020, this Court granted Plaintiff’s motion for preliminary injunction and denied Defendant’s motion to dismiss, holding that the provision governing Rhode Island’s courtesy license plate program in R.I. Gen. Laws § 31-3-17.1 which provides that Defendant as “administrator of the division of motor vehicles shall, in his or her discretion, refuse to issue any letter or combination of letters and numbers that might carry connotations offensive to good taste and decency” is likely to be held unconstitutional as applied in this case and unconstitutional on its face as overbroad and void for vagueness. As a result of that Memorandum and Order, the parties agree to these terms.
2. The Court hereby declares that the language contained in R.I. Gen. Laws § 31-3-17.1 which provides that “and the administrator of the division of motor vehicles shall, in his or her discretion, refuse to issue any letter or combination of letters and numbers

that might carry connotations offensive to good taste and decency” is unconstitutional on its face and as applied to Plaintiff and shall be deemed severed from the statute and of no force and effect in the issuance of courtesy plates as set forth therein.

3. Defendant, his successors, agents, servants, employees and all others acting in concert with him, are permanently enjoined from relying upon the language contained in R.I. Gen. Laws § 31-3-17.1 which provides that “and the administrator of the division of motor vehicles shall, in his or her discretion, refuse to issue any letter or combination of letters and numbers that might carry connotations offensive to good taste and decency” when issuing any courtesy plate under the aforesaid statute.
4. This judgment does not affect the validity or enforceability of any other provisions of R.I. Gen. Laws § 31-3-17.1.
5. Defendant shall allow Plaintiff to keep his “FKGAS” courtesy plate and shall continue to issue it to him upon his request and due payment of all fees as long as Plaintiff’s registration privileges are not suspended, cancelled, revoked, or blocked, or unless otherwise prohibited by law.
6. Defendant shall cause Plaintiff’s counsel to be paid \$20,000.00 in full satisfaction of Plaintiff’s claims for costs and attorneys’ fees under 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d). Payment shall be tendered to the American Civil Liberties Union Foundation of Rhode Island. The sharing of the tribunal-approved award with the American Civil Liberties Union Foundation of Rhode Island is consistent with this Court’s decision in R.I. Training School v. Martinez, 465 F. Supp. 2d 131 (D.R.I. 2006) and Rhode Island R.P.C. 5.4(a)(4).
7. This is a final judgment that resolves all pending claims and closes the case.

So ordered.



Dated: 2/12/2021

The parties consent to the filing of this order:

Respectfully submitted,

Plaintiff,
Sean M. Carroll,

By his Attorneys,

/s/ Thomas W. Lyons

Thomas W. Lyons, #2946
Rhiannon S. Huffman, # 8642
Cooperating attorneys,
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF RHODE
ISLAND
Strauss, Factor, Laing & Lyons
One Davol Square, Suite 305
Providence, RI 02903
(401) 456-0700
tylons@straussfactor.com

Defendant,
Walter R. Craddock, Esq., in his
official capacity as Administrator of
the State of Rhode Island Division of
Motor Vehicles,

By,
PETER F. NERONHA
ATTORNEY GENERAL

/s/ Andrea M. Shea

Michael W. Field, #5809
Assistant Attorney General
Andrea M. Shea, # 9702
Special Assistant Attorney General
R.I. Office of Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400 Ext. 2380/2231
mfield@riag.ri.gov
ashea@riag.ri.gov